

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	Civil No. 3:19-CV-1824
EX REL DIVYAKANT PATEL AND	:	
HARSHAD PATEL	:	
	:	(Judge Mariani)
Plaintiff,	:	
	:	
v.	:	(Magistrate Judge Bloom)
	:	
THE FIDEILITY DEPOSIT &	:	
DISCOUNT BANK, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM AND ORDER

Pending before the court is Relator Divyakant Patel's motion to "enforce" the supplemental briefing schedule set the Honorable Robert D. Mariani on June 27, 2023. (Doc. 107). As set forth below, Defendants 1101 Northern Boulevard LLC, Marina Capital LLC, and Ankim M. Shah are directed to respond to this motion by October 9, 2023.

All defendants moved to dismiss the Second Amended Complaint in this matter on June 4, 2021. (Docs. 62-65). On July 27, 2022, the Honorable Martin C. Carlson issued a report and recommendation ("R&R") recommending, among other things, that the Honorable Robert D. Mariani deem Clark Summit Hospitality ("CSH") to be a necessary

party and either order CSH to be joined as a defendant or direct Defendants to renew their motions to dismiss on the grounds that CSH cannot feasibly be joined. (Doc. 93). On June 27, 2023, Judge Mariani adopted the R&R in part and set a schedule for the parties to brief the question of whether CSH could feasibly be joined in this action. (Doc. 102). Pursuant to that schedule, the defendants' deadline to file their supplemental briefs was July 25, 2023. (*Id.*).

On July 19, 2023, the defendants moved, without opposition, for a 45-day extension of the briefing schedule, which Judge Carlson granted later that day. (Docs. 103, 104). On September 7, 2023, Defendants 1101 Northern Boulevard LLC, Marina Capital LLC, and Ankim M. Shah moved for a second extension of the briefing schedule. (Doc. 105). Specifically, those defendants requested that the Court extend their deadline to file their supplemental briefs until 14 days after a mediation in a New Jersey state court, which had not yet been scheduled. (*Id.*). According to Defendants 1101 Northern Boulevard LLC, Marina Capital LLC, and Ankim M. Shah, the mediation was projected to be scheduled on one of two dates—September 29, 2023, or October 27, 2023. (*Id.*).

Judge Carlson granted the second extension request and ordered Defendants 1101 Northern Boulevard LLC, Marina Capital LLC, and Ankim M. Shah to “file notice with the Court after the mediation is scheduled.” (Doc. 106).

On October 1, 2023, this case was transferred to the undersigned. On October 4, 2023, Relator Divyakant Patel moved for an order directing the defendants to file their supplemental briefs by October 13, 2023. (Doc. 107). Defendants 1101 Northern Boulevard LLC, Marina Capital LLC, and Ankim M. Shah oppose this motion and the remaining parties take no position. (*Id.*).

Accordingly, Defendants 1101 Northern Boulevard LLC, Marina Capital LLC, and Ankim M. Shah are directed to respond to the pending motion on or before Monday, October 9, 2023. In their response, the defendants are directed to inform the Court whether the mediation referenced in their September 7, 2023 extension request has been scheduled. They are further directed to explain why the supplemental briefing in this matter should not commence until the mediation has concluded.

SO ORDERED, this 5th day of October 2023.

s/ Daryl F. Bloom

Daryl F. Bloom

United States Magistrate Judge